

### **REMARKS/ARGUMENTS**

In response to the Examiner's Office Action of February 01, 2010 issued in relation to the present Patent Application, the Applicant submits Amendments to the claims, and the below Remarks.

Claims 1-2, 10, 12, and 29 are presented for examination. Claim 1 is an independent claim.

#### ***Regarding 35 USC 112 Rejections***

Claim 1 is rejected under 35 USC 112, first paragraph.

The phrase "by accessing a database containing purchase data for respective product items" has been cancelled from the application.

#### ***Regarding 35 USC 103 Rejections***

Claims 1-3, 10, 12 and 29 are rejected under 35 USC 103(a) as being unpatentable over Murphy et al (US 4,554,446) in view of Lazzouni et al. (US 5,661,506).

The claims have been amended to more clearly define the present invention. Support for the amendments may be found on pages 31 and 32 of the specification as filed. Claim 3 has been cancelled from the application.

Claim 1, as amended, defines a product item having an associated surface. The surface has disposed thereon machine-readable coded data tags encoding a unique identity of the product item and respective positions of the coded data tags on the surface. The barcodes of Murphy only encode the UPC. The barcodes do not encode their respective positions on the surface. During scanning of a barcode the position of the barcode is important in that the barcode has to be placed approximate the scanning device. The relative position between elements (bars) of the barcode is also relevant to allow successful barcode scanning. However, the position of the barcode on the surface is not encoded, as is required by the claims. Encoding of data within a code should result for that data to be decoded from the code. By decoding the barcode of Murphy it is not possible to determine from the decoded data the position the barcode appeared on the surface.

In the event that there are multiple barcodes on a sheet, as reasoned by the Examiner, it requires for the operator of the scanning device to ensure that only one of the barcodes is scanned by careful positioning of the scanning device.

In view of the foregoing, Murphy is also unable to determine that the position of the sensed coded data tag is within a predefined field on the surface, as is required by claim 1 as amended.

The code patterns of Lazzouni encode a position only. In order for the barcodes of Murphy to be modified with the code patterns of Lazzouni, the code patterns of Lazzouni would have to be modified to further include the identity of the product item. Such is not as trivial as the examiner seems to indicate.

The combination of Murphy and Lazzouni fails to teach using a position within a specified field to initiate the specific actions defined in claim 1.

Since the combination of prior art fails to teach each of the limitations of the claimed invention, claim 1 and all claims dependent on claim 1, are allowable.

#### **CONCLUSION**

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,



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